# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

[redacted]

[redacted]301

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F. SANFORD ROSE, INC., CLAIMANT OF THE SCOW "S-8,"
APPELLANT,

vs.

THE UNITED STATES OF [redacted]ERICA.

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APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

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[redacted]

# (26,232)

# SUPREME COURT OF THE UNITED STATES.

**OCTOBER TERM, 1917.**

# No. 765.

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SANFORD ROSS, INC., CLAIMANT OF THE SCOW "6-S," APPELLANT,

*vs.*

THE UNITED STATES OF AMERICA.

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PEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

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DD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., NOVEMBER 26, 1917.

*Libel.*

United States District Court, Southern District of New York.

o the Honorables, the Judges of the District Court of the United States for the Southern District of New York:

The Libel of Information of the United States of America, by its roctor, H. Snowden Marshall, United States Attorney for the outhern District of New York, against the steam tug "Leonard ichards," her engines, tackle and furniture, and against the scow dumper "6-S," her tackle and furniture, in a cause of penalties, vil and maritime, for breach of the provisions of the Act of Con-ess of June 29, 1888 (25 Stat. L. 209), entitled "An Act to pre-nt obstructive and injurious deposits within the Harbor and ad-cent waters of New York City by dumping or otherwise, and to nish and prevent such offenses," as amended by the Act of Con-ess of August 18, 1894 (28 Stat. L. 360) and by the Act of ongress of May 28, 1908 (35 Stat. L. 426) upon information and elief alleges as follows:

First. That at all the times hereinafter mentioned, the Libellant as and still is a Corporation Sovereign.

Second. That at all the times hereinafter mentioned, the said essels were American vessels and are now or about to be within e Southern District of New York and within the admiralty and aritime jurisdiction of the United States and of this Honorable ourt.

Third. That the aforesaid steamtug, at all the times hereinafter entioned was owned by Peter Cahill, and that one Frank Rinschler was the master of said steam tug and in charge thereof.

Fourth. That the aforesaid scow or dumper, at all the times hereinafter mentioned, was owned by P. Sanford Ross, nc., and that one John Doe, whose true name is to the Libellant nknown, was the master and in charge thereof.

Fifth. That on or about December 20-21, 1916, Peter Cahill, oing business under the name of Cahill Towing Line, made in riting an application dated December 20-21, 1916, to the Super-isor of the Harbor of New York, for a permit to be issued under ne laws of the United States for the said steam tug to tow the aid scow or dumper containing 592 cubic yards of mud, through ne Narrows and Lower Bay, to the south and eastward of Scotland ight-Ship, and there deposit her said contents in not less than 15 thoms of water.

Sixth. That pursuant to the aforesaid application, the Supervisor f the Harbor of New York issued a certain permit, numbered 5138 nd dated December 20-21, 1916, granting permission for the said eam tug, Frank Rinschler, master, to pass with said scow or dumper aded with mud as aforesaid, through the Narrows and Lower Bay a point not less than 3 nautical miles southeast of Scotland Light-

Ship, with Ambrose Channel Light Vessel bearing N. E. by N. (magnetic), and there deposit her said contents in not less than 15 fathoms of water.

Seventh. That thereafter and on the 23rd day of December, 1916, the said scow or dumper loaded as aforesaid was in tow of the said steam tug in the Harbor of New York under and pursuant to the said permit.

3 And the said permit defined the precise limits within which the said scow or dumper therein named might discharge her load, and authorized the said steam tug to pass, with the said scow or dumper and her said load, through the Narrows and Lower Bay to a point not less than 3 nautical miles southeast of Scotland Light-Ship, with Ambrose Channel Light Vessel bearing N. E. by N. (magnetic), and there deposit the said load in not less than 15 fathoms of water, and the terms and conditions of the issuance of said permit were therein named, and the regulations governing the deposit of the material contained in said load were set forth and indorsed upon the said permit, in substance and to effect (among other things) that fog, stress of weather, or any other cause should not operate to release the owners or masters and employees of scows and towboats from the penalties imposed for illegal dumping; that no scow or dumper should be discharged except by order of the master of the tug having the same in tow, to be signalled by four sharp blasts of the steam whistle when the tow reaches the dumping grounds;

And the said permit and its indorsements gave full notice of the place of deposit for the said load, and the said steam tug and the said scow or dumper and the owners and masters thereof and each of them were subject to the terms, conditions and requirements of the said permit and its indorsements.

Eighth. That on December 23, 1916, the said Frank Rinschler, being then and there master of said steam tug and in charge thereof, said John Doe being then and there master of said scow or dumper and in charge thereof, did place, discharge, dump and deposit, and aid and abet in so doing, into the said tidal waters of the said Harbor of New York, or waters adjacent thereto, the entire

4 loads of mud contained in all pockets at a place between Cravens Shoal and a point about one mile north of Scotland Light-Vessel, in said Harbor or waters adjacent thereto, and the place where the said load was so dumped, discharged and deposited as aforesaid was not at the dumping, discharging and depositing place defined and specified by the Supervisor of the Harbor as aforesaid and as set forth in said permit, contrary to the form of the statutes in such case provided, to wit, the Act of Congress of June 29th, 1888, as amended, Section 3.

Ninth. That the mud placed, discharged and deposited as aforesaid was brought and carried to the said place where the same was so placed, discharged and deposited in and upon said scow or dumper in tow of the said steam tug, and the said scow or dumper and the said steam tug were then and there used or employed in violating the provisions of the Act aforesaid. The mud placed, discharged

and deposited as aforesaid was not matter flowing or in any manner passing from streets or sewers and did not pass therefrom in a liquid state.

Tenth. That by reason of the placing, discharging and depositing of the mud aforesaid, the said Peter Cahill; said P. Sanford Ross, Incorporated; said Frank Rinschler, master of said steam tug; said John Doe, whose true name is to the Libellant unknown, master of said scow or dumper; became and are liable under the provisions of the Act aforesaid each to pay to the United States of America a penalty of not less than two hundred and fifty dollars ($250.00) and not more than twenty-five hundred dollars ($2500.00), as may be fixed by the Court.

5 Eleventh. That all and singular the premises are true and within the admiralty and maritime jurisdiction of this Honorable Court, and that by reason thereof and by virtue of the statutes of the United States in such case made and provided, to wit, the said Act of June 29, 1888, as amended, §4, the said steam tug, her engines, tackle and furniture, and said scow or dumper, her tackle and furniture, each became and is liable for payment to the Government of the United States of the pecuniary penalties of the amount aforesaid, no part of which has been paid, and may be proceeded against summarily by way of libel.

Wherefore, libellant prays that due process issue to enforce the said penalties by libel and seizure of the said vessels and that due notice be given to all persons concerned in interest to appear and show cause at the return day of the said process why the same should not be decreed and why the said vessels, their tackle and furniture, should not be condemned and sold to pay the said penalties, and all due proceedings being had thereon, that for the causes aforesaid, and others appearing, this Honorable Court may be pleased to decree for the penalties and fines aforesaid against the said steam tug, her engines, tackle and furniture, and the said scow or dumper, her tackle and furniture, for the said sum of twenty-five hundred dollars ($2500.) each, as liens thereon, and that the said steam tug, her engines, tackle and furniture, and said scow or dumper, her tackle and furniture, may be condemned for the same and sold to satisfy the liens aforesaid, and to pay the penalties aforesaid, and the costs herein; and that the proceeds of such sale, or of such other disposition of said property as the Court shall direct, be distributed, according to law, and for such other and further relief in the premises as to the Court shall seem just.

H. SNOWDEN MARSHALL,
*United States Attorney for the Southern District of New York, Proctor for Libellant. Office & Post Office Address: U. S. Courts and Post Office Building, Borough of Manhattan, City of New York.*

Filed Feb. 6, 1917.

6 District Court of the United States for the Southern District of New York.

UNITED STATES OF AMERICA

vs.

TUG "LEONARD RICHARDS," Her Engines, Tackle, &c., and Scow "6-S," Her Tackle, Furniture, &c.

And now, P. Sanford Ross, Inc., owner of the Scow "6-S" intervening for the interest of itself in the said Scow "6-S" appears before the Honorable Court, and makes claim to the said Scow, &c., as the same are attached by the Marshal under process of this Court, at the instance of United States of America, and the said P. Sanford Ross, Inc., avers that it was in possession of the said Scow at the time of the attachment thereof, and that it is the true and bona fide owner of the said scow and that no other person is the owner thereof;

Wherefore it prays to defend accordingly.

P. SANFORD ROSS, INC.,
By ROLAND T. ROSS,
*Ass't Treas.*

Sworn to and subscribed this 14th day of February, A. D. 1917, before me.

[SEAL.] ARTHUR D. ALEXANDER,
*Notary Public, Orange County.*

Certificate filed N. Y. County No. 105; Certificate filed in N. Y. County Register 7009.

EVERETT, CLARKE & BENEDICT,
*Proctors.*

P. SANFORD ROSS, INC.,
*Claimant, 37 Wall St., N. Y. City.*

Filed Feb. 15, 1917.

7 *Answer.*

In the United States District Court for the Southern District of New York.

UNITED STATES OF AMERICA, Libellant,

against

STEAMTUG "LEONARD RICHARDS," Her Engines, etc., and SCOW "6-S."

To the Honorable the Judges of the United States District Court for the Southern District of New York:

The answer and exceptions of P. Sanford Ross, Inc., claimant of the Scow "6-S" to the libel of the United States of America alleges as follows:

First. It denies upon information and belief each and every allegation contained in articles numbered Tenth and Eleventh of the libel, except that it admits that no pecuniary penalty has been paid.

Second. Further answering, and by way of exception to the libel, the claimant alleges that no proceeding criminal or otherwise has been instituted against the owner or master or person acting in the capacity of master of said scow, to wit A. Anderson, or the owner or master or person acting in the capacity of master of the tug or
8 towboat which towed the same, and no conviction has been had of them or either of them by reason of the matters and things described in the libel, before any court or judge, and no fine or penalty has been assessed or imposed upon them or either of them, and there is no debt or sum due or owing to the United States from the claimant as owner of said scow, or from said scow, by reason of the matters and things alleged in the libel, and that this Court of Admiralty has no power to hear and determine the controversy arising out of the matters and things alleged in the libel or to assess or decree any fine or penalty in the premises, and that the granting of the relief prayed for in the libel is not within the Admiralty or Maritime jurisdiction of this Honorable Court.

Wherefore claimant prays that the libel may be dismissed with costs.

EVERETT, CLARKE & BENEDICT,
*Proctors for Claimant, 37 Wall Street.*
*Borough of Manhattan, City of New York.*

9 UNITED STATES OF AMERICA,
*Southern District of New York, ss:*

Roland T. Ross, being duly sworn, deposes and says that he is the Assis't Treas. and an officer of P. Sanford Ross, Inc., the claimant herein. That said claimant is a corporation, and that deponent makes this verification as such officer. That the allegations of the answer are true to the best of his knowledge, information and belief.

ROLAND T. ROSS.

Sworn to before me this 17th day of February, 1917.
[L. S.] EDGAR R. ALPAUGH,
*Notary Public, New Jersey.*

Filed Feb. 23, 1917.

10 United States District Court, Southern District of New York.

UNITED STATES OF AMERICA, Libellant,

against

STEAMTUG LEONARD RICHARDS and SCOW 6-S.

Before Learned Hand, District Judge.

NEW YORK, May 26, 1917.

Appearances:

John Hunter, Esq., Assistant U. S. Attorney, Proctor for Libellant.
Messrs. Everett, Clarke & Benedict (Mr. Everett), Proctor for P. Sanford Ross, Inc., Claimant.

Mr. Hunter: I move and consent that the libel be dismissed as against the steamtug Leonard Richards.
Motion granted.

Mr. Everett: I move, on behalf of P. Sanford Ross, Inc.,
11 claimant, that the libel be dismissed as against the scow 6 S upon the grounds, more fully set forth in the answer to the libel, that this Court has no jurisdiction to determine the issues or award a decree herein.
The Court: I reserve consideration of Mr. Everett's motion.

Filed Oct. 23, 1917.

12 United States District Court, Southern District of New York.

The Scow "6-S."

This is a libel in rem against the tug "Leonard Richards", dismissed upon the trial, and the Scow "6 S" for illegal dumping in New York Harbor under the Act of June 29, 1888 as amended by the Act of August 17, 1894. The fact of dumping within the limits of the harbor is admitted but the claimant relies upon two points; first, that under Sec. 4 of the Act of June 29, 1888, no libel lies against the scow until the fine or penalty has been assessed against the owner or master in criminal proceedings; second, that under Sec. 3 as amended by the Act of August 17, 1894, the minimum penalty is one hundred dollars and not two hundred fifty dollars.

JOHN HUNTER, JR.,
*For the United States.*
A. LEO EVERETT,
*For the Claimant.*

LEARNED HAND, *D. J.*:

The jurisdiction of this court depends upon the following language of Sec. 4 of the Act of June 29, 1888: "Any boat or vessel used or employed in violating any provision of this act shall be liable to the pecuniary penalties imposed thereby, and may be proceeded against summarily by way of libel in any district court." Normally, a civil suit for penalties is in the form of an action for debt, the qui tam action at common-law; it lies only when the penalty is fixed in
13 amount, except for a certain latitude for easy calculation, Stockwell v. U. S., 13 Wall. 531, 542, Carroll v. Green, 92 U. S. 509, 513, Hepner v. U. S., 213 U. S., 103, 108. That a civil proceeding will lie for the collection of an unliquidated penalty, if the purpose be plain, is of course true enough, United States v. Atlantic Fruit Co., 206 Fed. R. 440. In that case the decision seems to have turned upon the fact that any criminal prosecution under the statute was at least doubtful; besides, the suit was in personam, and it does not follow that a libel in rem would have lain, before the fine had been assessed.

In the Strathairly, 124 U. S. 558, it was pretty clearly indicated, however, that the lien was a security only for the fine, and that no libel would lie until it had been assessed. On page 572 the court spoke of an unliquidated penalty as though it must first be directly liquidated, and the final disposition of the cause on page 580, though perhaps not actually involving a decision, clearly shows that the court considered the criminal prosecution as a condition precedent. Were the section here in question drawn like Revised Statutes Sec. 4270 I should therefore feel bound to hold under that case that a criminal prosecution was such condition. It is a doubtful question, but I incline to think that the language used in Sec. 4 of the Act of June 29, 1888, was intended to be more drastic. That section does not in terms impose only a lien, though of course a lien arises; it imposes the penalties, i. e., the fines, upon the boat
14 de novo, a change of expression perhaps not without significance. Moreover, it provides that the boat 'may be proceeded against summarily." I cannot quite see what the meaning of the phrase, "summarily," can be, if it do not include a libel without the condition precedent of a criminal prosecution. The statute is not, it is true, drawn with scientific paucity, but I must still give to all its words some significance, so long as I can, and if I hold that a criminal prosecution must precede a libel, it seems to me to fly in the face of the purpose so expressed. Whether the clause was intended to change the rule in The Strathairly, supra, which had just been decided, no one of course can say, but I think it did.

Judge Dodge in The Scow No. 9, 152 Fed. R. 548, reached the same result upon the authority of The Scow 36, 144 Fed. R. 932. While that point was not expressly raised in The Scow, 36, the statute, Sec. 16, of the Act of March 3, 1899, was in the same language as that at bar. In that case the court disposed of the case on the merits, as well as in the Anjer Head, 46 Fed. R. 664, The Emperor, 49 Fed. R. 751 and The Bombay, 46 Fed. R. 665, where a

recovery was awarded. It has been the uniform practice in this district since 1888 to entertain such libels and this is the first case in which the question has been raised. If the court has no jurisdiction before conviction, I think the matter should be settled by the Supreme Court, to which I will certify the point as the
15 claimant asks.

As to the amount of the fine, it is apparent that in the Act of August 17, 1894, the word, "section," is loosely used for "paragraph," and that there was no intention to change the penalties here in question.

Decree on the libel for the minimum penalty, two hundred fifty dollars, with costs.

May 28, 1917.

L. H.,
*D. J.*

Filed May 28, 1917.

16 *Final Decree.*

United States District Court, Southern District of New York.

62—98.

UNITED STATES OF AMERICA, Libellant,

vs.

STEAMTUG "LEONARD RICHARDS" and SCOW "6-S."

This cause having come on to be heard and having been reached on the calendar of the June Term, 1917, after hearing Mr. John Hunter for the libellant, Messrs. Foley & Martin for the tug "Leonard Richards," and Mr. A. Leo Everett for the scow.

Now, upon the pleadings and proceedings herein, and due deliberation having been had, it is

Ordered, adjudged and decreed that the libel against the tug be and the same hereby is dismissed, and it is

Further ordered, adjudged and decreed that the libellant, the United States of America, recover against the scow "6-S," her tackle, etc., her claimants and stipulators, the sum of Two hundred and fifty ($250.00) Dollars, together with its costs to be taxed by the Clerk of this Court, and amounting as taxed to the sum of Twenty-Three and 35/100 Dollars, and making altogether the sum of Two Hundred seventy-three and 35/100 Dollars, and that the libellant have execution therefor, and it is

Further ordered, adjudged and decreed that unless an appeal be taken from this decree on behalf of the claimants of said
17 scow within the time fixed by the rules of this Court, the stipulators for costs and value on the part of said scow shall cause the engagement of their stipulations to be performed, or shall show cause within four days' time why execution should not issue

against them, their goods, chattels and credits for the satisfaction of this decree.

LEARNED HAND,
*U. S. D. J.*

September 18, 1917.

(Endorsed:) A copy received Aug. 2, 1917, Everett, Clarke & Benedict. U. S. District Court, S. D. of N. Y. Filed Sep. 19, 1917.

18 *Order Amending Decree.*

At a Stated Term of the District Court of the United States held in and for the Southern District of New York, in the United States Court House in the Southern District of New York on the 15th day of October, 1917.

Present: Honorable Learned Hand, District Judge.

UNITED STATES OF AMERICA, Libellant,

vs.

STEAMTUG LEONARD RICHARDS and Scow 6-S.

It is hereby

Ordered, the parties hereto consenting as appears by the subjoined stipulation, that the final decree herein, dated September 18, 1917, be amended by substituting the word "May" for "June" in the second line thereof and by inserting between the words "for" and "the" in the fifth line thereof the words "P. Sanford Ross, Inc., claimant of."

LEARNED HAND,
*U. S. District Court Judge.*

It is hereby consented that the above proposed order may be entered by either party without notice to the other.

FRANCIS G. COFFEY, *U. S. Att'y,*
*Proctor for Libellant.*
EVERETT, CLARKE & BENEDICT,
*Proc. for Claimant.*

FOLEY & MARTIN,
*Proctors for Tug.*

Filed Oct. 15, 1917.

19 *Certificate.*

United States District Court, Southern District of New York.

UNITED STATES OF AMERICA, Libellant-Respondent,

vs.

STEAMTUG LEONARD RICHARDS and SCOW 6-S, P. SANFORD ROSS, INC., Claimant-Appellant.

In this suit the District Court of the United States for the Southern District of New York hereby certifies that the claimant in its answer herein, by way of exception, alleged that this court as a court of admiralty had no power to hear and determine the controversy arising out of the matters and things alleged in the libel, and that the suit was not within the admiralty and maritime jurisdiction of this court; that upon the trial the claimant moved to dismiss the libel upon the same ground; that in entering a decree against the Scow 6-S for the sum of $273.35, this court sustained its jurisdiction in the premises and that its jurisdiction was in issue herein.

This certificate is made conformably to Section 238 of the Judicial Code of the United States.

Dated, September 26th, 1917.

WANTON,
*United States District Judge,*
*Southern District of New York.*

Filed Sep. 26, 1917.

20 *Notice of Appeal.*

United States District Court for the Southern District of New York.

UNITED STATES OF AMERICA, Libellant,

vs.

STEAMTUG LEONARD RICHARDS and SCOW 6-S, P. SANFORD ROSS, INC., Claimant.

SIRS: Please take notice that the claimant, P. Sanford Ross, Inc., hereby appeals to the Supreme Court of the United States from the final decree of this Court, dated the 18th day of September, 1917 and entered on the same day in the office of the Clerk of this Court, and from such part of said decree as adjudges that the libellant, United States of America, recover against the Scow 6-S, her tackle, etc., her claimants and stipulators, the sum of $273.35.

Dated, New York, September 26, 1917.

Yours, etc.,

EVERETT, CLARKE & BENEDICT,
*Proctors for Claimant, P. Sanford Ross, Inc.,*
*37 Wall Street, Manhattan, New York City.*

To Alexander Gilchrist, Jr., Esq., Clerk of the United States District Court for the Southern District of New York.

Francis G. Caffey, Esq., United States Attorney.

Filed Sep. 26, 1917.

21 *Petition for Appeal and Order Allowing Appeal.*

United States District Court for the Southern District of New York.

UNITED STATES OF AMERICA, Libellant,

vs.

STEAMTUG LEONARD RICHARDS and SCOW 6-S, P. SANFORD ROSS, INC., Claimant.

P. Sanford Ross, Inc., claimant of Scow 6-S herein, feeling itself aggrieved by the final decree in the above entitled suit, entered in the office of the Clerk of the United States District Court for the Southern District of New York on the 18th day of September, 1917, does hereby appeal from said decree to the Supreme Court of the United States for the reasons specified in the assignments of error filed herewith, and it prays that this claim may be allowed and that a transcript of the records, proceedings and papers upon which said final decree was made, duly authenticated, may be sent to the Supreme Court of the United States.

Dated, New York, September 26, 1917.

Yours, etc.,

EVERETT, CLARKE & BENEDICT,
*Proctors for P. Sanford Ross, Inc., Claimant,*
*37 Wall Street, Borough of Manhattan, City of New York.*

22 The foregoing appeal is granted, and the claim on appeal herein allowed.

Dated, New York, September 26, 1917.

WANTON,
*United States District Judge.*

Filed Sep. 26, 1917.

23 United States District Court for the Southern District of New York.

UNITED STATES OF AMERICA, Libellant,

vs.

STEAMTUG LEONARD RICHARDS and SCOW 6-S, P. SANFORD ROSS, INC., Claimant.

*Assignments of Error.*

P. Sanford Ross, Inc., by Everett, Clarke & Benedict, its proctors, assigns error to the final decree entered herein on the ground that the learned Judge erred in finding that the United States District Court, as a court of admiralty and maritime jurisdiction, had jurisdiction to hear and determine the issues herein.

In not finding:

First. That the United States District Court, as a court of admiralty jurisdiction, had no power to render a decree against the vessel or her claimant for a fine or penalty, the same not having been previously imposed by the United States District Court as a court of criminal jurisdiction, as required by the Act of Congress approved June 29, 1888 (25 Stat. L. 209), as amended by the Act of Congress of August 17, 1894 (28 Stat. L. 360) and by the Act of Con-
24 gress of May 28, 1908 (35 Stat. L. 426).

Second. In not sustaining the exception to the jurisdiction set forth in the answer.

EVERETT, CLARKE & BENEDICT,
*Proctors for the Claimant and Appellant, P. Sanford Ross, Inc.*

Filed Sep. 26, 1917.

25 United States District Court, Southern District of New York.

UNITED STATES OF AMERICA, Libellant,

against

STEAMTUG LEONARD RICHARDS and SCOW 6 S.

UNITED STATES OF AMERICA, *ss:*

By Hon. Learned Hand, one of the Judges of the United States District Court for the Southern District of New York, to the United States of America:

Whereas, P. Sanford Ross, Inc., claimant of the Scow 6 S, has lately appealed to the Supreme Court of the United States from a final decree, entered in the office of the Clerk of the United States District Court for the Southern District of New York on September 18, 1917, in favor of the United States of America and against the Scow 6 S for the sum of $273.35, and has filed the security required by law, therefore:

You are hereby cited to appear before the Supreme Court of the United States at Washington on the 14th day of November, 1917 to do and receive what may appertain in justice to be done in the premises.

Given under my hand in the City of New York on the 15th
26 day of October in the year One thousand nine hundred and seventeen and *on* the Independence of the United States One hundred and forty-second.

[Seal District Court of the United States, Southern District of N. Y.]

LEARNED HAND,
*U. S. District Judge.*

27 [Endorsed:] United States District Court, Southern District of New York. United States of America, Libellant, vs. Steamtug Leonard Richards and Scow 6 S. Citation. Everett, Clarke & Benedict, Proctors for Claimant, No. 37 Wall Street, Borough of Manhattan, New York City. Filed Oct. 15, 1917. U. S. District Court, S. D. of N. Y.

28 UNITED STATES OF AMERICA,
*Southern District of New York, ss:*

UNITED STATES OF AMERICA, Libellant,

vs.

STEAMTUG LEONARD RICHARDS and SCOW 6-S, P. SANFORD ROSS, INC., Claimant.

I, Alexander Gilchrist, Jr., Clerk of the District Court of the United States of America for the Southern District of New York, do hereby Certify that the foregoing is a correct transcript of the record of the said District Court in the above-entitled matter.

In Testimony whereof, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, this 10th day of November, in the year of our Lord one thousand nine hundred and Seventeen and of the Independence of the said United States the one hundred and Forty-second.

[Seal District Court of the United States, Southern District of N. Y.]

ALEX. GILCHRIST, JR.,
*Clerk.*

Clerk's fee for certifying record $5.90/100.

ALEX. GILCHRIST, JR.,
*Clerk.*

29 [Endorsed:] Supreme Court of the United States. United States of America, Libellant, vs. Steamtug Leonard Richards and Scow 6-S, P. Sanford Ross, Inc., Claimant. Transcript of Record. Appeal from the District Court of the United States for the Southern District of New York.

Endorsed on cover: File No. 26,232. S. New York D. C. U. S. Term No. 765. P. Sanford Ross, Inc., claimant of the scow "6-S," appellant, vs. The United States of America. Filed November 20th, 1917. File No. 26,232.